

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

Carey L. ROSS,

Plaintiff,

v.

JASPER COUNTY SHERIFF'S
DETENTION CENTER, *et. al*,

Defendants.

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CIVIL ACTION NO. 5:10-CV-401 (MTT)

ORDER

This matter is before the Court on the Order and Report and Recommendation (the "Recommendation") (Doc. 4) of United States Magistrate Judge Charles H. Weigle. The Order granted the Plaintiff's Motion to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. § 1915(b)(1). The Magistrate Judge, having reviewed the Plaintiff's 42 U.S.C. § 1983 complaint (Doc. 2) pursuant to 28 U.S.C. § 1915A(a) & (b), recommends dismissing the Plaintiff's claims alleging that the Defendants laughed at him and called him names because name calling does not violate any federal constitutional right. Further, to the extent the Plaintiff intended to name Assistant District Attorney Shelly Tice as a Defendant, the Magistrate Judge recommends dismissing the claims against Tice because she has absolute immunity while performing as an advocate for the government. Finally, the Magistrate Judge recommends dismissing the Jasper County Sheriff's Detention Center because sheriff's departments and detention centers are not legal entities subject to suit. The Plaintiff filed an objection to the Recommendation (Doc. 6). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered the

Plaintiff's Objection and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects.

The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The verbal abuse claims, apparent Defendant Shelly Tice, and Defendant Jasper County Sheriff's Detention Center are **DISMISSED**. The claims against the remaining Defendants shall remain pending.

SO ORDERED, this the 8th day of December, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT